



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

March 24, 2004

Mary Beth Gentleman
Boston Office
617-832-1199
mgentleman@foleyhoag.com

By Hand

Ms. Mary L. Cottrell
Secretary
Department of Telecommunications & Energy
One South Station
Boston, MA 02110

Re: D.T.E. 03-83
Petition of USGen New England, Inc.

Dear Ms. Cottrell:

On behalf of USGen New England, Inc. ("USGenNE"), I enclose for filing in the above-referenced docket one original and one copy of USGenNE's Supplemental Response 1 to Information Request DTE-1-3.

Kindly date stamp the enclosed copy of this letter, and return same to our messenger.

Thank you for your attention to this matter.

Sincerely,

Mary Beth Gentleman

MBG:jrd
Enclosures

cc: Selma Urman, Hearing Officer (9 copies)
Diedre Matthews, Director, Siting Division (1 copy)
William Febiger, Technical Director, Siting Division (1 copy)
Jolette Westbrook, General Counsel, Siting Board (1 copy)
Amy Barad, Analyst, Siting Division (1 copy)
Louis M. Arak, Project Manager (1 copy)
Service List

FHBoston/1030727.1

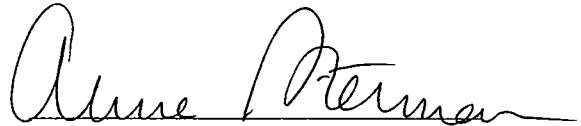
**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

D.T.E. 03-83

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing documents upon all persons below in accordance with the requirements of 220 C.M.R. § 1.05 and the procedural rules in this docket.

Dated at Boston this 24th day of March, 2004.



Anne Sterman
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210
(617) 832-1199
(617) 832-7000

Mary L. Cottrell, Secretary
Department of Telecommunications and
Energy
One South Station
Boston, MA 02210

Selma Urman, Hearing Officer
Department of Telecommunications and
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One South Station
Boston, MA 02110

Intervenors

Robert F. Sydney, Esquire
Division of Energy Resources
70 Franklin Street, 7th Floor
Boston, MA 02110

Paige Graening, Esquire
National Grid USA Service Company
25 Research Drive
Westborough, MA 01581

USGen New England, Inc.
Salem Harbor Station
DTE 03-83
Information Request DTE-1-3
(Supplemental Response 1)
Person Responsible: Joseph Correnti, Esq.
Date: March 24, 2004

DTE-1-3: Please provide transcripts of any meetings of the Salem Planning Board or other City of Salem permitting or regulatory entities concerning the proposed project. If transcripts are unavailable, please provide the minutes of such meetings.

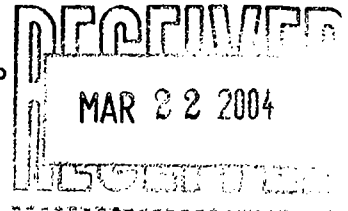
Response: During the adjudicatory hearing on January 13, 2004, the Company provided copies of the Planning Board minutes for meetings held on September 18, 2003 and October 2, 2003, which were marked as Exhibits USGenNE-6 and USGenNE-7. Attached are original certified minutes of the Planning Board meetings from all meetings at which the project was discussed, except the November 6, 2003 meeting. As the attached letter indicates, we expect to have those minutes by April 2, 2004 and will file them forthwith.

SERAFINI, SERAFINI, DARLING & CORRENTI, LLP

ATTORNEYS AT LAW

63 FEDERAL STREET

SALEM, MASSACHUSETTS 01970



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March 19, 2004

Mary Beth Gentleman, Esquire
Foley Hoag LLP
155 Seaport Boulevard
Boston, Massachusetts 02210-2600

Re: City of Salem Planning Board Minutes
Application for Site Plan Review
USGen New England, Inc.
24 Fort Avenue, Salem, Massachusetts

Dear Mary Beth:

Enclosed please find original, certified copies of the Salem Planning Board Minutes for September 18, 2003, October 2, 2003, December 4, 2003 and December 18, 2003 in connection with the above referenced matter.

Please note that the meeting scheduled for October 16, 2003 was continued for lack of a quorum, and the November 20, 2003 meeting was continued at our request. The November 6, 2003 meeting notes have been misplaced by the Clerk, and we do not expect to have those minutes until April 2nd. I will forward them to you at that time.

If you have any questions or require anything further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Correnti". The signature is fluid and cursive, with a large initial "J".

Joseph C. Correnti

JCC:dl

Enclosures

Salem Planning Board
Minutes of Meeting
Thursday, September 18, 2003

A regular meeting of the Salem Planning Board was held on Thursday, September 18, 2003 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 7:00 p.m.

Those present were: Chairman Walter Power, John Moustakis, Gene Collins, Chuck Puleo, Pam Lombardini, Ellen DiGeronimo, Paul Durand and Christine Sullivan. Also present were Staff Assistant Valerie Gingrich, and Eileen Sacco, Clerk. David Weiner was absent.

Form A – 5-7 Wyman Terrace

Attorney Steven Lovely addressed the Board on behalf of his client and explained a Form A plan for 5-7 Wyman Terrace. He explained the history of the property and the neighborhood for the Board.

There being no questions or comments regarding the plan a motion was made by Gene Collins to approve the Form A for 5-7 Wyman Terrace, seconded by Ellen DiGeronimo and approved.

Public Hearing - SPR US GEN New England Inc. – Emission Control Project - 24 Fort Avenue

Atty. Joseph Correnti addressed the Board and explained that this evening would be the beginning of a series of presentations to the Planning Board on the proposed Emissions Control Project. He noted that the major objective is to keep the plant open and in compliance with air quality standards. Atty. Correnti explained the negotiation process that took place and resulted in the Administrative Consent Order (ACO), which outlines the permitting process. He also noted that they are applying to the Department of Telecommunications and Energy (DTE).

Atty. Correnti stated that the focus of these hearings is Site Plan Review as requested by Mayor Usovich and provided for in the ACO. He also noted that they have filed with the Conservation Commission for a Notice of Intent, as there will be work in the buffer zone in conjunction with the installation of the crane platform and construction staging.

Mike Fitzgerald, General Manager of the Salem Harbor Station addressed the Board and explained the function of the Power Plant. He noted that the project will allow the plant to operate in compliance. Mr. Fitzgerald explained that they have held meetings with the Historic Derby Street Neighborhood Association and

they have concerns about the dust from the coal pile, which they are looking to address.

Lou Arak, the Project Manager from the Salem Harbor Station addressed the Board and explained that they have three goals, which are to reduce the emissions, with minimal disruption to the neighborhood, and provide the Planning Board with all of the information they require for a decision. He reviewed photographs of the plant and identified areas where the work will take place.

Chuck Puleo asked if they patterned their solution for the emissions control based on the draft regulations. Atty. Correnti stated that they based their plan on the regulations for SO₂ NOX and this plan meets those regulations. He also noted that there are other regulations that may be coming out in the future and they are planning so that they will meet future regulations.

Mr. Arak explained the plan and noted the areas where they will be removing tanks in areas D5, S1 and S2. He noted that they will be installing a crane to pick up equipment from a barge. Walter Power questioned what the additional equipment would do to the heat rate. Mr. Arak stated that the impact on the heat rate would be 2%. Atty. Correnti noted that they have to meet the new standards and the plant has to make money to keep running.

Walter Power opened the hearing up for Public Comment at this time.

Councillor at Large Tom Furey addressed the Board and expressed his support for the project.

Delores Jordan of 97 Derby Street addressed the Board and expressed her concerns about the location of the placement of equipment. She stated that she would prefer to see the equipment location be closer to the water rather than Derby Street. She also questioned the height of the structures added to the site. Mr. Arak stated that they would have that information at the next meeting. Atty. Correnti explained that the tallest stack at the plant is 500 feet and the second tallest stack is 300 feet. He estimated that the roof line is 250 feet and the highest piece of equipment would be 185 feet.

Ward Three Councillor Joan Lovely addressed the Board and asked how long the project would take. Mr. Arak stated that they would be operational by 2006. Councillor Lovely also stated that she appreciates that they are bringing equipment in by the water.

Lynda Coffill, Principal of the Bentley School addressed the Board and noted that the Power Plant has been a good neighbor and she supports the project.

Jim Treadwell of the Northfields Neighborhood Association addressed the Board and questioned if a Chapter 91 License is required and if they need approval

from MEPA as well. Atty. Correnti stated that they applied for a Chapter 91 License on August 26, 2003 and MEPA does not apply in this case.

Jeff Wotherly, Director of the Salem Chamber of Commerce addressed the Board and expressed his support for the project.

Mike Phelan of Bayview Avenue addressed the Board and expressed his support for the project.

Steve Pinto of 55 Columbus Avenue addressed the Board and expressed his support for the project.

Kevin Cornacchio, Chairman of the Salem Conservation Commission addressed the Board and noted that the Commission would be hold a public hearing on the Notice of Intent for the installation of the crane platform and the construction of the staging in the buffer zone, next Thursday, September 25th at 6:00 p.m.

Walter Power stated that he would like to invite the Harbor Master to a meeting to discuss the waterside use of the property. He also noted that he would like to have a site visit at a future date.

There being no further questions or comments regarding this matter a motion was made by John Moustakis to continue the public hearing to October 2, 2003, seconded by Ellen DiGeronimo and approved.

Public Hearing – Site Plan Review – 8-10 Broadway – DiLisio Brothers Landscape and Masonary Supply, Inc.

Atty. George Atkins addressed the Board and explained the plans for DiLisio Brothers to relocate their existing business from Swampscott to Salem. He explained that they propose to have a combination of retail and warehouse storage on the site.

Atty. Atkins reviewed the plans and noted that 49 parking spaces are required by zoning and they are proposing 60 parking spaces on the site. He also noted that the hours of operation would be on Monday-Saturday although at some point they may start opening on Sundays.

Atty. Atkins also noted that the lighting on the site would be directed away from the abutters. He also noted that they have held several meetings with the neighbors who have had concerns in the past with previous tenants of the property regarding noise and noted that his clients are mindful of those concerns.

Scott Patrowicz, the Engineer for the project, addressed the Board and explained the plans. He also noted that he has met with the engineering department.

John Moustakis noted that there is historically a lot of flooding in the area. Atty. Atkins noted that they are not creating a waterfall and there have been drainage problems in Ward Three. He also noted that the engineering department has not raised a concern, but they would look into that. Mr. Patrowicz agreed and noted that they would take a creative look at the situation.

Walter Power opened the hearing up for public comment at this time.

Kevin Talbot of 134 Ocean Avenue addressed the Board and expressed his concerns about the hours of operation and the shading of the HVAC units.

Jim Treadwell of Felt Street addressed the Board and expressed his concerns about the delivery hours and stressed that they have been abused by retailers in the past and this should be considered.

Don Hessey of 135 Ocean Avenue addressed the Board and stated that he felt that this would be a big improvement to the neighborhood.

Ward Three Councillor Joan Lovely addressed the Board and noted that this site has been a problem for years and the current owners have been less than stellar. She noted that she welcomes this use of the property, and she also had concerns about the drainage in the area, but noted that this site does not contribute to the flooding problems in the neighborhood, which are more concentrated near the SSC Sports Complex.

There being no further questions or comments regarding this project this evening, a motion was made by Gene Collins to continue the public hearing to October 2, 2003, seconded by Ellen DiGeronimo and approved.

Continuation of Public Hearing –Form A / Waiver From Frontage – 12 Buena Vista Avenue – JGG Realty Trust

Atty. Scott Grover addressed the Board and noted that at the last meeting the Board had a concern about roadway access to the lots. He explained that they met with the Fire Department and the Engineering Department and presented correspondence from them. He explained that the fire department concurred with the cul-de-sac as shown on the plan. He also noted that the Fire Department would like emergency access between the two areas. He suggested that signage could be installed indicating that it is a dead end street and not linked to Buena Vista Avenue.

Walter Power noted that he asked at the last meeting that they meet with the engineering department. Denise McClure explained that she and Mr. Fallon met with the engineering department and that full construction plans for the roadway have been requested.

Walter Power stated that he would like clarification from the engineering department regarding this issue. Atty. Grover asked if the Board would consider approving the Form A portion of the approval contingent on the approval of the engineering department and the easement agreement.

Walter Power opened the hearing up to public comment at this time.

Jeanne Ofalis of Buena Vista Avenue addressed the Board and noted that the Fire Department has never had a problem before when they needed to access the area.

Andy Lyman addressed the Board and stressed that the neighbors do not want the roads connected.

There being no further questions or comments regarding this matter this evening a motion was made by Christine Sullivan to continue the Public Hearing to October 2, 2003, seconded by Ellen DiGeronimo and approved.

Public Hearing – Definitive Subdivision Plan – Saunders and Pearl Streets – Julianna Tache

Atty. Jack Keilty addressed the Board and explained the plans for the Saunders and Pearls street property. He explained that they have filed a Notice of Intent with the Conservation Commission and are meeting with the Board of Health.

Chris Mello of Eastern Land Survey addressed the Board and explained the plan.

Walter Power referred to a letter issued to the developer from Assistant City Planner, Denise McClure, informing the applicant of the items missing from his submission. Atty. Keilty noted that they have submitted a request for waivers and the revised plans show the locations of the boundaries of the wetlands. He also noted that they neglected to request a waiver for the fire alarm box but they would be asking for that as well.

Christine Sullivan questioned the status of the bypass road in relation to this property. Atty. Keilty explained that his client has to go forward pending the plans of the state for the property per his agreement.

City Planner Joe Walsh addressed the Board and explained that they are still waiting to see what will happen with this property and the state. He noted that the design of the road is 75% complete. Atty. Keilty noted that his client has been interviewed by the state regarding the value of the land. Joe Walsh stated that there is a meeting scheduled next week and he will keep the Board informed on the situation.

Walter Power opened the hearing up for public comment at this time.

George Fallon addressed the Board and explained his situation regarding this property. He noted that the state has done two appraisals on the property and the highest and best use is what is considered by the state so it is of no benefit to him in having an approved plan for the property. He stressed that he needs to proceed with his process.

City Planner Joe Walsh addressed the Board and noted that the existing highway plan shows the whole area being taken for the road. He also noted that a Notice of Taking was prepared by the state and for some reason it was not acted on.

Andy Goldman of 11 Pearl Street addressed the Board and questioned why the developer was in such a hurry when the state has confirmed the use of the area for the project and urged the Board to deny the requested waivers and have them adjust their plans.

Paul Ward of Pearl Street addressed the Board and expressed his concern about additional cars and traffic in the area.

Leslie Burns of 16 Saunders Street addressed the Board and expressed her concerns about the congestion in the neighborhood and the quality of life of those who live there.

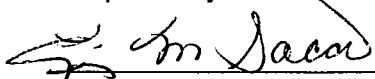
Lanse Kasparian of 1 Arbella Street addressed the Board and expressed his concerns about the additional burden to the neighborhood. He stated that it is a frustrating situation.

There being no further questions or comments regarding this matter this evening a motion was made by Gene Collins to continue the matter to October 2, 2003, seconded by John Moustakis and approved.

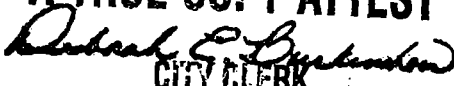
There being no further business to come before the Planning Board at this meeting a motion was made by Ellen DiGeronimo to adjourn the meeting, seconded by John Moustakis and approved.

The meeting was adjourned at 11:00 p.m.

Respectfully submitted by:



Eileen M. Sacco, Clerk
Salem Planning Board
PB091803

A TRUE COPY ATTEST

CITY CLERK
SALEM, MASS.

Salem Planning Board
Minutes of Meeting
Thursday, October 2, 2003

A regular meeting of the Salem Planning Board was held on Thursday, October 2, 2003 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 7:00 p.m.

Those present were: Chairman Walter Power, John Moustakis, Gene Collins, Chuck Puleo, Pam Lombardini, Ellen DiGeronimo, Paul Durand, David Weiner and Christine Sullivan. Also present were Staff Assistant Valerie Gingrich, and Eileen Sacco, Clerk.

Continuation of Public Hearing – Definitive Subdivision Plan – Saunders Street and Pearl Street – Julianna Tache

Walter Power read a letter from the applicant requesting a continuation of the public hearing to January 2004. Gene Collins moved to continue the public hearing to January 2004, seconded by Ellen DiGeronimo and approved.

Continuation of Public Hearing – Waiver from Frontage Requirement – 12 Buena Vista West – J.G.G. Realty Trust

Walter Power read a letter from the applicant requesting a continuation of the public hearing to October 16, 2003. Paul Durand moved to continue the public hearing to October 16, 2003, seconded by David Weiner and approved.

Continuation Public Hearing - SPR US GEN New England Inc. – Emission Control Project - 24 Fort Avenue

Atty. Joseph Correnti addressed the Board and explained that the presentation this evening would focus on the construction impacts regarding traffic and noise from the project.

Atty. Correnti clarified for the record that the primary engine for the project is the ACO and it is driving the project. He also noted that all of the filings had to be made by September 1, 2003 and they did that in a timely fashion. He also noted that the financing for the project is in process, although it is difficult to say when the financing would be in place. He also stated that the according to the emissions guidelines the project has to be permitted and built by 2006.

Atty. Correnti also explained that they are permitting what they are planning for and they are always looking for alternatives. He explained that the project may take a different form in the future and should that be the case they would have to come before the city planner and the planning board if necessary, if new technology would be a substantial change.

Ernie Greer, the Project Engineer addressed the Board and explained an overview of the construction schedule. He reviewed a chart, which indicated the various phases of the project and the estimated timetable for each phase.

Mr. Greer explained that they are planning for a water source that includes SESD and explained the process that would re-filter water from SESD for use by the plant. He also noted that it would require that they blast a trench to the power plant.

John Moustakis questioned the timeline for the project and the question of financing. Mr. Greer stated that financing could delay the process. Mr. Moustakis also referred to an article in the Boston Globe that talked about the possibility of improving or upgrading the Grid and asked if that was included in this plan. Mr. Greer stated that upgrading the Grid is speculation at this time.

Christine Sullivan questioned how a bankrupt company can get financing. Mr. Greer explained that they are trying to work through the state on the financing to fund the project. Ms. Sullivan asked if it would be possible for the site prep work to be done prior to financing. Mr. Greer stated that the entire project is contingent on financing.

David Weiner noted that the coal pile improvement and the wind screen have been proposed and asked if they were included in this plan. Mr. Arak stated that the coal improvements are a separate project, which has gone out to bid and when the bids are received they would start the permitting process for that. Walter Power stated that he would like the Planning Board to have some input into that project. City Planner Joe Walsh informed the Board that we have to keep the issues of the ACO separate from other projects and commitments, and they would have to come back to the Board for the other projects.

Brian Dempsey addressed the Board and explained the traffic management plan for the project. He explained that the construction would take 1 ½ to 2 years and there could be 54 trucks per day entering the site. He stated that fly ash trucks would be eliminated and replaced with other trucks. He estimated that there are 150 employees and visitors to the site each day and that during the construction there would be 190 vehicles per day. After construction that number would drop to 105 vehicles per day.

Walter Power suggested that they should amend their flow chart to show the operation of the plant pre and post construction, noting the significant number of trucks that will be on the site.

Mr. Dempsey explained the route that the traffic would be taking and noted that construction vehicles would be entering the site at the lower Webb Street entrance.

John Moustakis noted that there are 38,000 cars per day on Route 114 (North Street) and suggested that they keep that in mind. Walter Power suggested that they look into alternate routes to enter the city and suggested that they consider coming in through Beverly. Mr. Dempsey noted that the facility representatives have been talking with the Police Department regarding the traffic issues.

Chuck Puleo suggested that they schedule steel deliveries during off daytime hours.

Walter Power also requested that there be no cueing of trucks on local streets. He also requested that there be no changes to pedestrian circulation in the neighborhood. He also suggested that they coordinate with the Bentley School.

Christine Sullivan asked if they had considered employee-parking areas. Mr. Dempsey located the areas for employee parking on the plan.

David Weiner asked if they had any analysis on the effect on traffic in other parts of the city. Atty. Correnti stated that they will take direction from the Police Department on that.

Tony Agresti addressed the Board and explained the Noise Assessment and the process they used for the study. He noted that they measured daytime and nighttime noise. He explained that new noise sources would be from fans and blower compressors. He also noted that they built a model that would incorporate new noise sources compared to late night sounds. He explained that louder noise sources have been provided for with extended mitigation measures.

Mr. Agresti explained that Massachusetts's noise standards require that no increase be greater than ten decibels and the goal for this project is a three-decibel increase.

Walter Power asked if additional mitigation measures would be taken for areas with greater than a three-decibel increase. Mr. Agresti stated that they are still investigating soil conditions on the site but he feels that the greatest noise will come from the pile driving. He noted that they are looking at a combination of things to mitigate that.

Walter Power opened the hearing up for public comment at this time.

Pat Sosnowski of 9 East Collins Street addressed the Board and expressed her concerns about the traffic on Webb Street and the children in the neighborhood. She noted that Collins Cove playground and the Bentley School are areas of concern.

Mrs. Sosnowski also noted that blasting was mentioned and asked where that would occur. Mr. Greer explained that the blasting would be for a trench behind SESD and it would be a small blast, nothing huge.

Jim Treadwell addressed the Board and expressed his concern about the noise and its effect on the Bentley School. Mr. Greer stated that they are still investigating what the impact would be during school hours. It was suggested that the pile driving could take place during the summer when the impact would be less on the school.

Walter Power stated that he would like to have a site visit and the Board scheduled the site visit for Saturday, October 25th at 9:00 a.m.

There being no further comments or questions regarding this matter a motion was made by Gene Collins to continue the public hearing to October 16, 2003, seconded by Ellen DiGeronimo and approved.

Continuation of Public Hearing – Site Plan Review – 8-10 Broadway – Dilisio Brothers Landscape and Masonary Supply, Inc.

Atty. George Atkins addressed the Board and explained that at the last meeting the Board had some concerns about the drainage on the property. He reported that they have met with the City Engineer and have come up with a plan that they feel will help the neighborhood. He also explained that they have increased the landscaping in the front of the building as requested by the City Engineer.

Scott Patrowicz explained the drainage plan that was approved by the City Engineer.

John Moustakis stated that he visited the site and he thinks that this is a good project that will improve a blighted area. He also suggested that the city should look at the water situation in the area and find a way to improve the roadway.

Gene Collins expressed his concerns that the business on the other side of the street may be impacted by this plan and suggested that they work together on the matter. Atty. Atkins stated that they feel that the proposed drainage solution should alleviate those concerns. Atty. Atkins also stated that they would consider a condition regarding parking and traffic flow as well as one regarding the use of the portion of the site having limited activity.

Denise McClure explained that she reviewed the plan with Joe Nerden of the Engineering Department and they feel that the plan will improve the site. She also stated that they understand that the issues on Canal Street are long term.

Walter Power suggested that they install French drains in the parking lot and down spouts for roof runoff.

Walter Power opened the hearing up for Public Comment at this time.

The owner of the property at 1 Broadway addressed the Board and expressed her concerns about the water problems.

There being no further comments or questions regarding this matter a motion was made by Gene Collins to continue the public hearing to October 16, 2003, seconded by Ellen DiGeronimo and approved.

Continuation of Public Hearing – Site Plan Review – Salvation Army of Massachusetts Inc. – 93-95 North Street / 5 Mason Street

Atty. Joseph Correnti addressed the Board and explained the plans of the Salvation Army to build a new facility at 93-95 North Street/5 Mason Street.

Atty. Correnti explained that although they filed the plans with the Planning Department on May 29, 2003 they have continued until now as they were meeting with neighbors and Councillor Bencal regarding the plan. Historic Salem Inc. also reviewed the plans as a portion of the plan has historic significance.

Frank Elliot of Belmont the Architect for the project addressed the Board and explained the plans, the layout of the interior of the buildings, and the design of the building. He noted that there are 18 parking spaces in the rear of the building and they have verbal commitments from neighbors for the use of additional parking on Sundays during services.

Christine Sullivan stated that she was pleased that they are working with Historic Salem on the site.

Ellen DiGeronimo reviewed the history with the Salvation Army as past Director of the Salem Chamber of Commerce and noted that she feels that this project will help with the renewal of North Street.

Walter Power opened the hearing up for Public Comment at this time.

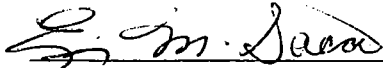
Jim Treadwell addressed the Board and noted that there is a Neighborhood Master Plan for the North River Corridor and urged them to review that document.

There being no further comments or questions regarding this matter a motion was made by Gene Collins to continue the public hearing to October 16, 2003, seconded by Ellen DiGeronimo and approved.

There being no further business to come before the Planning Board at this meeting a motion was made by Ellen DiGeronimo to adjourn the meeting, seconded by John Moustakis and approved.

The meeting was adjourned at 11:00 p.m.

Respectfully submitted by:



Eileen M. Sacco, Clerk
Salem Planning Board
PB100293

A TRUE COPY ATTEST
Ellen DiGeronimo
CITY CLERK
SALEM, MASS.

**Salem Planning Board
Minutes of Meeting
Thursday, December 4, 2003**

A regular meeting of the Salem Planning Board was held on Thursday, December 4, 2003 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 7:00 p.m.

Those present were: Chairman Walter Power, John Moustakis, Gene Collins, Chuck Puleo, Ellen DiGeronimo, David Weiner and Christine Sullivan. Also present were Staff Assistant Valerie Gingrich, and Eileen Sacco, Clerk.

Members Absent: Paul Durand, Pam Lombardini

Continuation of Public Hearing – Site Plan Review – USGEN New England Inc. – 24 Fort Avenue, Salem, MA.

Attorney Joseph Correnti addressed the Board and requested that the public hearing be continued to December 18, 2003 since there are two Board members absent this evening.

John Moustakis moved to continue the public hearing to December 18, 2003, seconded by Ellen DiGeronimo and approved.

Public Hearing – Site Plan Review – 7 Winter Street – Winter Street LLC

Atty. George Atkins addressed the Board on behalf of his client Dee Cote and explained the plans for the renovation of 7 Winter Street into condominiums. He explained that the property is currently a Bed and Breakfast (tourist home) and the owner wishes to convert it to six condos. He noted that the Board of Appeal has reviewed the plan and approved it.

Atty. Atkins explained that the applicant was granted a special permit to build an addition on the existing structure and they plan 2 parking spaces per unit, an increase from the required 1½ spaces. He also noted that they are planning for an easement for parking for residents on Parker Court.

Dan Pierce reviewed the plan with the Planning Board. He noted that there would be a trash room in the building, which is the result of the concern of the neighbors regarding trash on the site. He also noted that they are working with the City Engineer on the snow storage for the site, noting some legal issues with storing snow on private property and the access of city vehicles. He stated that they would work that out with the City Engineer.

Mr. Pierce reviewed the architecture of the buildings and the proposed carriage house.

Christine Sullivan questioned if the property was in the historic district. Atty. Atkins stated that it is not in the historic district, as the district ends before the property.

John Moustakis requested a copy of the decision of the Board of Appeal.

Mr. Pierce explained the design of the proposed carriage house. He noted that the house will be Victorian style and will be a single-family residence. He also noted that the details of the façade will include the look of doors of a carriage house and there would be a loft opening on the second floor. He reviewed the floor plan and the main entrance will be off Winter Street.

David Weiner asked to have the egress explained. Mr. Pierce reviewed the plans and explained the egress.

Christine Sullivan asked if they have talked to Historic Salem even though their approval is not required. Atty. Atkins stated that they have not made a formal presentation to Historic Salem or the Historic Commission.

It was noted that the price range of the units would be what the market would bear and they estimate that they would be about \$500,000.00.

Walter Power asked if the trash room would have sprinklers. Mr. Pierce stated that any room over 100 s.f. is required to be sprinkled.

John Moustakis asked if they plan to have a maintenance person on site. Mr. Cote stated that they plan to have a maintenance person on the site year round.

Scott Patrowicz reviewed the plans and the existing conditions on the site. He also reviewed the drainage for the site as well as landscaping and utilities. He noted that they have reviewed the plans with Bruce Thibodeau and Joe Nerden, and there is a punch list of small items for them to address.

Walter Power suggested that they consider a small garden fence in place of the proposed speed bump to keep traffic out of that area. Mr. Power also suggested that the carriage house windows have adornments similar to that of the main house.

Walter Power opened the hearing up for Public Comment at this time.

Janice Martin of 11 Winter Street addressed the Board and expressed her support for the project.

There being no further comments or questions regarding this matter this evening a motion was made by David Weiner to continue the public hearing to December 18, 2003, seconded by Christine Sullivan and approved.

Public Hearing – Site Plan Review – One Salem Green / Salem Five Cent Savings Bank – 210 Essex Street, Salem, MA.

Atty. George Atkins addressed the Board and explained the plans for the Salem Five to install a footbridge from 210 Essex Street to One Salem Green. He explained that the bank recently purchased One Salem Green and plans to house their operational facilities in that building. He noted that the plan is to connect the second and third stories of each building and there will be no impact on the existing ground level or parking on the site.

Mark Meche explained the plans to the Board. He explained that they plan for a glass curtain wall that looks like a bridge and will have a metal roof.

Chuck Puleo asked if the structure would be climate controlled. Mr. Meche stated that they plan to use low E-Glass, and both heat and cool the bridge.

Christine Sullivan complimented the presentation and the visuals presented. She suggested that this could be used as a model for the presentation of future plans since it is easier to visualize than blue prints.

Fred Hamwey of Hamwey Engineering addressed the Board and explained the plans. He stated that there would be two columns on the ground and would attach to the building on the other end. He also explained that the roof runoff would be collected in down spouts, and explained the locations on the plan.

Christine Sullivan asked if there would be any night lighting on the site. Mr. Meche explained that they are looking at soft lighting for the site and used Massport as an example.

Atty. Atkins noted that the Design Review Board and the Salem Redevelopment Authority have reviewed the schematic plans and have given conceptual approval of a pedestrian bridge.

Walter Power opened the hearing up for public comment at this time. There was no one present who wished to comment on the matter.

Walter Power suggested that the Board could review a draft decision at the next meeting.

There being no further questions or comments regarding this plan a motion was made by John Moustakis to continue the public hearing to December 18, 2003, seconded by Christine Sullivan and approved.

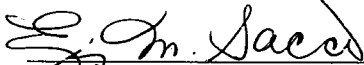
Old / New Business

John Moustakis asked if there has been any progress with the Peabody Essex Museum. Valerie will investigate that and report at the next meeting.

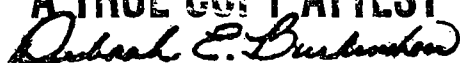
There being no further business to come before the Planning Board this evening a motion was made by John Moustakis to adjourn the meeting, seconded by Ellen DiGeronimo and approved.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted by:



Eileen M. Sacco, Clerk
Salem Planning Board
PB120403

A TRUE COPY ATTEST

CITY CLERK
SALEM, MASS.

**Salem Planning Board
Minutes of Meeting
Thursday, December 18, 2003**

A regular meeting of the Salem Planning Board was held on Thursday, December 18, 2003 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 7:00 p.m.

Those present were: Chairman Walter Power, John Moustakis, Gene Collins, Paul Durand, Pam Lombardini, Chuck Puleo, Ellen DiGeronimo, David Weiner and Christine Sullivan. Also present were Staff Assistant Valerie Gingrich, and Eileen Sacco, Clerk.

Approval of Minutes

The minutes of the Planning Board meeting held on September 18, 2003 and October 2, 2003 were presented for approval. Ellen DiGeronimo moved to approve the minutes seconded by Christine Sullivan and approved.

Continuation of Public Hearing – Site Plan Review – 7 Winter Street LLC

Atty. George Atkins addressed the Board and reviewed the changes that have been made to the plans since the last meeting. He explained that they have fine-tuned the grading and elevations around the carriage house and added Victorian trim. He also noted that they have proposed to install a fence in place of the proposed speed bump that was shown on the original plan and suggested by the Board.

Atty. Atkins referred to the concern that he expressed at the last meeting regarding the City plowing snow onto the property. He noted that his concern about the risk was proven during the last storm when a truck hit a structure on the property. He noted that they will be reviewing this further with the City Engineer.

Atty. Atkins also reported that the City Engineer has requested a separate water line for the sprinkler system.

Walter Power questioned how close the nearest fire hydrant was to the property. It was noted that there is a hydrant on Winter Street and on Pleasant Street within the 500-foot requirement.

Atty. Atkins reported that they have met with the Board of Health and have a condition to clean the drainage system twice a year after the fall and winter months. He also reported that they have agreed to meet with the regional mosquito control group to prevent standing water on the site.

Atty. Atkins also reported that they have committed parking to the neighbors on Parker Court.

Walter Power asked if they anticipate removing any large trees on the site. Dee Cote addressed the Board and reported that there are four trees that are of concern on the site and one of them is dead. He explained that they plan to plant 12-foot arborvitae on the site. Walter Power encouraged them to consider planting some large trees on the site.

Walter Power asked if they plan to go through a Historic District Review. Atty. Atkins stated that they have no plans to do that at this time. He noted that they reviewed the plans for the

neighbors and that three or four of them are members of Historic Salem Inc. and the Salem Common Neighborhood Association and they have offered advice.

Walter Power asked if they were planning on adding a chimney in the project. Mr. Cote explained that they are actually removing the rear kitchen chimney in the main building during the project.

Paul Durand stated that he lives on Winter Street and is in favor of the project but noted that he was never aware of any neighborhood meetings held on the matter.

Walter Power opened the hearing up for public comment at this time.

There being no further comments or questions regarding this matter a motion was made by John Moustakis to close the public hearing, seconded by Ellen DiGeronimo and approved.

Valerie Gingrich reviewed a draft decision for the project with the Planning Board.

Gene Collins moved to approve the Draft Decision for Site Plan Review of 7 Winter Street, seconded by Christine Sullivan and approved.

Continuation of Public Hearing – Site Plan Review - Salem 5 Cent Savings Bank – 210 Essex Street

Atty. George Atkins addressed the Board and requested that the matter be continued to January 14, 2004.

John Moustakis moved to continue the public hearing for the Salem 5 Cent Savings Bank to January 14, 2004, seconded by Chuck Puleo and approved.

Continuation of Public Hearing – Site Plan Review – USGEN New England Inc.

City Planner Joe Walsh addressed the Board and informed them that the Department of Planning & Community Development has prepared a draft decision for this evening and he is pleased that all members of the Board are present. He reviewed all of the reports that have been in the news in recent weeks regarding the future of the power plant and assured the Board that the city is confident that this project will go forward.

Mr. Walsh also announced that Mayor Usovicz negotiated a \$1 Million Impact Fee Agreement with USGEN to be paid in four installments of \$250,000.00.

Atty. Joseph Correnti addressed the Board and stated that they felt that this has been a good process. He also reported that they have provided a memorandum regarding the analysis of alternative pile driving placement noise on the site and the effects on the neighborhood.

Walter Power opened the hearing up for public comment at this time. There was no one present who wished to speak on this matter this evening.

Walter Power asked that USGEN look at the possibility of removing the stacks that are presently capped. He suggested that the Board request a condition that the applicant will provide a feasibility study regarding the removal of the stacks. He explained that the Board is interested in

having them come down to the roof line, noting that he feels that they add a great deal of bulk to the skyline and taking the three stacks down will clean up the skyline.

Paul Durand requested that the applicant make periodic presentations and updates to the Planning Board, and schedule periodic site visits to the project site at key times during the construction phase. Atty. Correnti stated that they would be pleased to come back at regular intervals throughout the project and update the Board, however they would not like it as a condition of approval. Joe Walsh noted that he would be having regular meetings with the applicant and he would share information with the Board and invite officials from USGEN to attend meetings from time to time.

There being no further comments or questions regarding this matter a motion was made by Gene Collins to close the public hearing, seconded by Ellen DiGeronimo and approved.

Denise McClure reviewed the draft order of decision for the project.

Ellen DiGeronimo moved to approve the draft decision as amended for USGEN New England, seconded by Paul Durand and approved. The project was given unanimous approval (Power, Puleo, Moustakis, Durand, Lombardini, Weiner, Sullivan, DiGeronimo, Collins).

Old/New Business

The Planning Board members signed the Mylar for 12 Buena Vista Avenue.

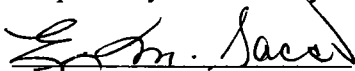
The Planning Board reviewed the proposed meeting schedule for 2004. John Moustakis noted that he would be away for the month of February.

Adjournment

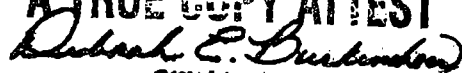
There being no further business to come before the Planning Board this evening, a motion was made by John Moustakis to adjourn the meeting, seconded by Ellen DiGeronimo and approved.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted by:



Eileen M. Sacco, Clerk
Salem Planning Board
PB121803

A TRUE COPY ATTEST

CITY CLERK
SALEM, MASS.